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March 13, 2014

VIA ECF

Honorable Robert M. Levy  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: DMJ v. Capasso, CV 97 7285 (DLI) (RML)

Dear Judge Levy:

We write to advise the Court that, as directed during the February 11, 2014 conference (*see* Transcript page 86, lines 7-10), the Third-Party Plaintiffs (the “TPPs”) and those private Third-Party Defendants<sup>1</sup> (the “TPDs”) who have moved for summary judgment on the CERCLA § 107 claim have conferred and agreed upon the following schedule for the submission of supplemental papers: TPPs will serve their supplemental Rule 56.1 statement(s) and a supplemental brief (if any) by Monday, March 17. If the TPPs choose to submit a brief, it will be in the form of a letter brief no longer than five single-spaced pages. Any responsive supplemental Rule 56.1 statement and/or supplemental brief (if any) of the private TPDs will be served by Monday, April 7, and any responsive supplemental Rule 56.1 statement and/or supplemental brief (if any) of the federal TPDs will be served by Monday, April 14. If the private or federal TPDs choose to submit a brief, such brief(s) will be in the form of a letter brief no longer than five single-spaced pages. In the event that any of the supplemental submissions contain confidential information, the parties will file the materials in redacted form and under seal as appropriate pursuant to the October 25, 2013 order relating to the CERCLA § 107 motion.

Respectfully submitted,

/s/ Allen G. Reiter

Allen G. Reiter

cc: All Counsel (via ECF)

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<sup>1</sup> Ms. Levy, counsel for the federal TPDs in this matter, is presently out of the office for medical reasons and unavailable to confer, although counsel for the private TPDs indicated their expectation that Ms. Levy would likely agree to the proposed schedule. Prior to Ms. Levy’s absence, the federal TPDs agreed upon the proposed page limitations and to a schedule under which the federal TPDs would submit their supplemental materials one week after the private TPDs’ submission.